THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO : 26607 of 1998

JUDGMENT: (Per the Honourable Smt. Justice T.Meenakumari)

The present Writ Petition is filed by the petitioners-Government questioning the orders, dated 30.04.1997 passed by the A.P.Adminstrative Tribunal, Hyderabad in O.A.No. 1399 of 1994 wherein the respondents have filed the said O.A. seeking regularization of their services from the date of their initial appointment on casual basis and the Tribunal after going into the merits of the case held that the respondents are entitled for deemed regularization from the date of their initial casual appointment after they were absorbed in a regular posts in accordance with their seniority. It is also made clear by the Tribunal that the above method of regularization is also applicable to other casual labourers who have not approached the Tribunal, as non-adherence of such a course of action will result in multiplicity of litigation and while regularizing their services as above, the artificial breaks if any should be condoned and after regularization their pay fixation in a regular posts should be done from the date of their initial appointment and any arrears arise on that basis the applicants are entitled for the same only from 09.11.1993 i.e. one year prior to filing of the O.A.

Further, the learned counsel appearing on behalf of the petitioner-department has contended that they have been regularized in the year 1994. But, however by filing the O.A. they sought their regularization from the year 1987. The learned counsel also further contended that in a similar matter, which arose from Ernakulam Bench of Central Administrative Tribunal against the judgment dated 23.04.1993, the Apex Court in Civil Appeal No.9922 of 1995 dated 08.07.1997 has observed as follows:

> “The respondents also drew our attention to a letter of 26th of June, 1995

issued by the Ministry of Defence under which judgments of the Central Administrative Tribunal, New Bombay Bench in applications which are mentioned therein were implemented. The letter states that the question of extending the benefits of the above judgments to non-petitioners who are similarly placed has also been considered by the Government in accordance with Central Administrative Tribunal's directives and it has been decided to implement the Central Administrative Tribunal, Bombay's directions. This letter however refers to applications made in 1988 before the Central Administrative Tribunal, New Bombay Bench have not been produced before us and we are not in a position to consider whether any directions given in those judgments would be applicable to the respondents herein or not. Hence, we can only observe that if the respondents are entitled to the benefit of the letter of 26th of June, 1995 they will be entitled to make a representation to that effect before the appropriate authority who will decide the same in accordance with law."

Following the directions of the Apex Court, we modify the order of the Tribunal to the effect that:

> "If the respondents are entitled to the benefit of the letter of 26th of June, 1995 they will be entitled to make a representation to that effect before the appropriate authority who will decide the same in accordance with law."

With the above directions, the Writ Petition is disposed of. No costs.

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T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

Dated:22-09-2005

Ccm